

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney
JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
MELANIE L. PROCTOR (CSBN 228971)
Melanie.Proctor@usdoj.gov
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6730
FAX: (415) 436-7169

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

XIU FANG LUO,) No. C 08-0340 PJH

Plaintiff,)

v.)

MICHAEL CHERTOFF, Secretary,) EX PARTE REQUEST FOR EXEMPTION
Department of Homeland Security; EMILIO) FROM THE FORMAL ADR PROCESS

GONZALEZ, Director, United States)
Citizenship and Immigration Services;)
JOSEPH P. RUSSONIELLO,* United)
States Attorney, California Northern)
District; ROSEMARY MELVILLE, San)
Francisco District Director; ROBERT S.)
MUELLER, III, Director of the Federal)
Bureau of Investigation,)

Defendants.)

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*Pursuant to Fed. R. Civ. P. 25(d)(1), Joseph P. Russoniello is substituted for his predecessor, Scott Schools, as the United States Attorney for the Northern District of California.

ADR CERTIFICATION
No. C 08-0340 PJH

The undersigned certifies that she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.¹

Here, Defendants believe that referral to a formal ADR process will not be beneficial because this mandamus action is limited to Plaintiff's request that this Court decide Plaintiff's application for naturalization. Given the substance of the action and the lack of any potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR L.R. 3-3(c), Defendants request the case be removed from the ADR Multi-Option Program and that they be excused from participating in the ADR phone conference and any further formal ADR process.

Dated: April 1, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

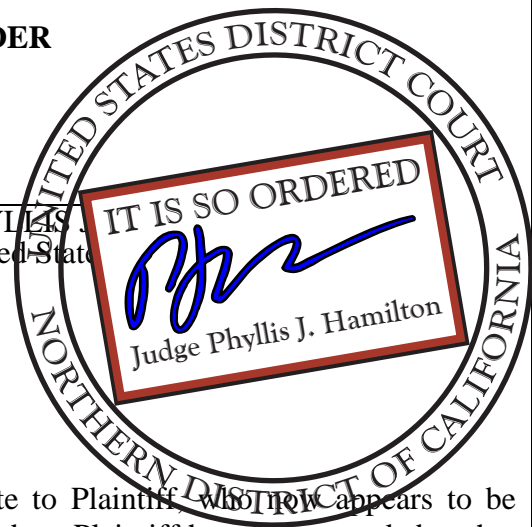
/s/
MELANIE L. PROCTOR
Assistant United States Attorney
Attorneys for Defendants

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Date: 4/7/08

PHYLLIS J.
United States



¹On March 24, 2008, Defendants' counsel wrote to Plaintiff, who then appears to be proceeding pro se, regarding the ADR certification. To date, Plaintiff has not responded to that letter. Defendants file the certification today in order to comply with the service requirements of Civ. L.R. 5-5(a).

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

XIU FANG LUO,

Plaintiff,

v.

MICHAEL CHERTOFF et al,

Defendants.

Case Number: CV08-00340 PJH

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Xiu Fang Luo
63 Mercury Street
San Francisco, CA 94124

Dated: April 8, 2008



Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk